



# City of Santa Barbara

## SUBDIVISION ORDINANCE

### CHAPTER 27.07 TENTATIVE MAPS

#### Sections:

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#### **27.07.010 General.**

All divisions of land shall require the submission of a tentative map. The procedures set forth in this chapter shall govern the filing, processing, approval, conditional approval or disapproval of tentative maps for all divisions of land. (Ord. 4494, 1988; Ord. 3790, 1975.)

#### **27.07.020 Pre-Application Conference.**

Prior to the filing of a tentative map, the subdivider shall apply to the Division of Land Use Controls for conceptual evaluation by the Development Review Committee of a preliminary map, plan or other data concerning a proposed subdivision. This conceptual review does not constitute a filing. The Committee, whose membership is outlined in Section 27.07.070(b), sits at such time only to advise the developer in proceeding with his project. (Ord. 4494, 1988; Ord. 3790, 1975.)

#### **27.07.030 Tentative Map Requirements.**

(a) Tentative maps shall be prepared by a registered civil engineer, or licensed surveyor, or by a licensed architect insofar as such maps fall within the practice of architecture.

(b) The tentative map shall be clearly and legibly drawn. The dimensions of the map shall be eighteen inches (18") by twenty-six inches (26") or multiples thereof. The scale of the map shall be large enough (not smaller than one inch (1") equals one hundred feet (100')) to show clearly all details thereof, and shall contain the following information:

(1) Total acreage of the subdivision; subdivision number; north point; basis of elevation (using the City datum) and the basis of bearing used in survey; scale; date; boundary lines; existing and proposed lot lines; approximate dimensions and areas of proposed lots; proposed land use; land use zone district; identification of adjoining subdivisions or parcels.

(2) Name, address, telephone number and signature of the owner and subdivider; name, address, telephone number and registration or license number of the preparer of the map.

(3) Contours at five foot (5') intervals, smaller intervals may be required by the Chief of Building and Zoning. Contours shall extend one hundred feet (100') beyond the boundary of the subdivision when necessary to determine the adequacy of the proposed subdivision design.

(4) Location, name, width, approximate grades, cross sections of improvements, and approximate radii of curves of existing and proposed streets and alleys, including adjacent streets; location of street lights to be installed; proposed bikeways and trails.

(5) Existing culverts and drain pipes in subdivision and contiguous areas; approximate boundaries of land subject to overflow, inundation or flood hazard; the location, width, and direction of flow of all watercourses in the subdivision and contiguous area; proposed drainage facilities.

(6) Proposed water system and source of water supply; proposed sewer system including elevations at proposed connections; proposed fire protection system.

(7) Location, width and purpose of all existing and proposed rights-of-way and easements; railroads; land for park and recreational areas and other public uses to be dedicated or reserved for public use.

(8) Existing structures within the proposed subdivision; those setback lines that are different from or in addition to those required by the Zoning Ordinance; existing trees larger than four inches (4") in diameter measured two feet (2') above the base.

(9) Location of all existing public utility facilities; location of any proposed above ground collective public utility facilities. (Ord. 3790 §1, 1975.)

#### **27.07.040 Non-Compliance.**

The subdivider shall list on the tentative map any proposed noncompliance with the Municipal Code, the General Plan, and any applicable specific plans. Failure to do so shall be evidence that full compliance with the provisions of this ordinance is intended and no variance or waiver of any provisions of the Municipal Code, General Plan or specific plans is contemplated as a condition of approval. (Ord. 3790 §1, 1975.)

#### **27.07.050 Optional Report.**

In addition to the tentative map, the subdivider may submit a supplemental report containing any additional information pertinent to the consideration by the Advisory Agency. Such reports may include: covenants to be recorded, special land uses proposed, or an explanation of noncompliance as listed on the tentative map. (Ord. 3790 §1, 1975.)

#### **27.07.070 Staff Review and Referral.**

A. The Development Review Committee shall meet to review the project and associated reports and formulate its recommendation to the Planning Commission.

B. The following nine (9) City officials shall be members of the Development Review Committee: Chief of Building and Zoning, Water Resources Manager, Chief Engineer, Community Development/Planning Director, Transportation Engineer, Fire Chief, Park Director, Environmental Analyst, and Zoning Officer. Other City officers and their assistants or deputies may sit as advisory members. The following rules shall apply to the Committee:

1. In the absence of any member, a designated assistant or deputy may represent the member.
2. A quorum shall consist of five (5) members or authorized alternates.
3. Applicants and their representatives shall be entitled adequate notice of the meetings, to be present at meetings, and to discuss with the Committee its recommendations and proposed reports.
4. The Development Review Committee is hereby authorized to establish such additional rules of procedure as it deems necessary and appropriate to carry on its business. (Ord. 4494, 1988; Ord. 3790, 1975.)

#### **27.07.080 Planning Commission Action.**

A. NOTICE. Not less than ten (10) days before the date of such public hearing, notice of the date, time and place of the hearing and location of the property and the nature of the request shall be given in the following manner, the publishing and mailing methods to be used unless otherwise directed by the Planning Commission:

1. Publication. By publishing once in a newspaper of general circulation in the City, and
2. Mailing or Posting.

a. By mailing a notice, postage prepaid, to the applicant, to each member of the Planning Commission and to the owners of all property within four hundred fifty feet (450') of the exterior boundaries of the property involved, using for this purpose the last known name and address of such owners as shown upon the last Assessment Roll of the County of Santa Barbara, or

b. By posting notices not more than five hundred feet (500') apart along each and every street upon which the property involved abuts, and for a distance of not less than four hundred fifty feet (450') in each direction from the exterior limits of such property.

B. TIME FOR CONSIDERATION. The time limits for reporting and acting on maps shall be consistent with the Subdivision Map Act and any other pertinent state law. The time limits specified in this Chapter for reporting and acting on maps may be extended by mutual consent of the subdivider and the Planning Commission or City Council. In the event the Planning Commission or City Council continues its consideration of a map beyond such time limit, the consent of the subdivider to such extension shall be presumed when the subdivider has notice of the continuance and fails to file a timely protest.

C. AUTHORITY. The Planning Commission is authorized to require dedications or reservations of land within the subdivision for public uses such as streets, highways, parks, schools, drainage, flood control, access easements or other uses as a condition for the approval of the tentative map. (Ord. 4494, 1988; Ord. 4066, 1980; Ord. 3790, 1975.)

#### **27.07.090 Appeals and Complaints.**

A. BY THE SUBDIVIDER. The subdivider may appeal any action of the Planning Commission with respect to a tentative map to the City Council. The procedure for such an appeal is as follows:

1. The appeal shall be filed with the City Clerk within ten (10) days after the action of the Planning Commission from which the appeal is being taken.

2. Upon the filing of the appeal the City Council shall set the matter for hearing to be held within thirty (30) days of the date the appeal was filed.

3. Within ten (10) days following the conclusion of the hearing on the appeal, the City Council shall render its decision on the appeal.

4. If the City Council fails to act on the appeal within the time limit specified in this section, the tentative map, insofar as it complies with applicable State law and this ordinance, shall be deemed approved or conditionally approved as last approved or conditionally approved by the Planning Commission, and it shall be the duty of the City Clerk to certify such approval.

B. BY AN INTERESTED PERSON. Any interested person adversely affected by a decision of the Planning Commission may file a complaint with the City Council concerning such decision. The procedure for such a complaint is as follows:

1. The complaint must be filed with the City Clerk, within ten (10) days after the action of the Planning Commission which is the subject of the complaint;

2. Upon the filing of the complaint, the City Council, in its discretion, may reject the complaint or set it for a hearing to be held within thirty (30) days of the date the complaint was filed;

3. Within seven (7) days following the conclusion of the hearing, the City Council shall declare its findings based on the testimony and documents produced before it or before the Planning Commission. It may sustain, modify, or reject the action of the Planning Commission and may make such findings as are consistent with provisions of the Subdivision Map Act and this ordinance.

C. FEES. Each appeal shall be accompanied by the appeal fee in the amount established by resolution of the City Council.

D. NOTICE OF HEARING. The City Clerk shall give notice of the hearing on the appeal in the same manner as set forth in Section 27.07.080(a). (Ord. 4494, 1988; Ord. 4195, 1983; Ord. 4066, 1980; Ord. 3955, 1978; Ord. 3790, 1975.)

**27.07.100 Requirements for Approval.**

A. COMPLIANCE WITH STATE AND LOCAL REQUIREMENTS AND CONDITIONS. Approval shall be denied to any map for failure to meet or comply with any requirement or condition imposed by the Subdivision Map Act or this ordinance. Approval shall be denied to any map for which the required information, reports, plans or agreement has not been submitted.

B. CONSISTENCY WITH GENERAL AND SPECIFIC PLANS. Approval shall be denied to any map which is not consistent with the General Plan or a specific plan adopted thereunder or which depicts a land division or land use which is not compatible with the objectives, policies, general land uses and programs specified in the General Plan.

C. DENIAL ON SPECIFIC FINDING; EXCEPTIONS.

1. Approval or recommendation thereof shall be denied to any map by the Planning Commission and, in the event of an appeal or complaint, by the City Council, if said body finds:

- a. The proposed map is not consistent with applicable General and specific plans.
- b. The design or improvement of the proposed development is not consistent with applicable general and specific plans.
- c. The site is not physically suitable for the type of development.
- d. The site is not physically suitable for the proposed density of development.
- e. The design of the development or the proposed improvements are likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat.
- f. The design of the development or the type of improvement is likely to cause serious public health problems.
- g. The design of the development or the type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed development; provided however, approval may be granted if it is found that alternative easements, for access of or use, will be provided, and that these will be substantially equivalent to the ones previously acquired by the public.

D. ACCESS TO PUBLIC RESOURCES. Approval shall be denied to any map which does not provide for, have available, or offer dedication of reasonable public access to public natural resources as required by Article 3.5 of the Subdivision Map Act.

E. WATER QUALITY REQUIREMENTS. Approval may be denied to any map if discharge of waste from the proposed development into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board. The determination of water quality control requirements relating to every subdivision shall be made at the time of map approval consideration. (Ord. 4494, 1988; Ord. 3790, 1975.)

**27.07.110 Expiration and Extensions of Tentative Maps.**

A. EXPIRATION. The approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved.

B. EXTENSION. The subdivider may request an extension of the tentative map approval or conditional approval by written application to the Planning Commission filed with the Division of Land Use Controls, such application to be filed before the expiration of the tentative map. The application shall state the reasons for requesting the extension. In granting an extension, the Planning Commission may impose new conditions or revise existing conditions.

C. APPEAL. If the Planning Commission denies the subdivider's application, the subdivider may appeal said denial to the City Council within fifteen (15) days after the Planning Commission action.

D. TIME LIMIT ON EXTENSIONS. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of two (2) years beyond the expiration of the twenty-four (24) month period provided in A. above.

E. EFFECT OF MAP MODIFICATION ON EXTENSION. Modification of a tentative map after approval or conditional approval shall not extend the time limits imposed by this section. (Ord. 4494, 1988; Ord. 4135, 1982; Ord. 3790, 1975.)

## **CHAPTER 27.08 IMPROVEMENT REQUIREMENTS**

### **Sections:**

#### **27.08.010 General.**

#### **27.08.020 Improvement Plans.**

#### **27.08.025 Underground Utilities Required.**

#### **27.08.030 Construction.**

#### **27.08.040 Improvement Reimbursement.**

#### **27.08.050 Maintenance of Improvements.**

#### **27.08.010 General.**

(a) The subdivider shall provide for the construction and installation of all improvements in the subdivision.

(b) The improvements shall be constructed and installed in compliance with the Subdivision Design and Improvement Standards prescribed by resolution of the City Council which standards are incorporated herein by reference. Said standards have been prepared in booklet form and are available for public use and examination in the Office of the City Clerk. (Ord. 3790 §1, 1975.)

#### **27.08.020 Improvement Plans.**

(a) Prior to filing the final or parcel map, the subdivider shall submit to the Chief Engineer for approval improvement plans for all improvements required as a condition of the approval of the tentative map.

(b) Improvement plans shall be prepared under the direction of a registered civil engineer.

(c) Improvement plans shall conform to the Subdivision Design and Improvement Standards.

(d) Within twenty (20) days after submittal by the subdivider's engineer the Chief Engineer shall return to the subdivider a set of the submittal improvement plans noting thereon his approval, disapproval or conditional approval of said plans. This time limit may be extended by mutual agreement. (Ord. 3790 §1, 1975.)

#### **27.08.025 Underground Utilities Required.**

All service connections, new distribution facilities and related facilities for electrical, telephone, street lighting, communication, and cable television to serve newly created subdivisions shall be located underground and this requirement shall be a condition of approval for all such subdivisions except for utility wires, poles and related facilities if (i) said utility wires, poles and related facilities exist at the time of approval of a tentative subdivision map by the Planning Commission or City Council on appeal, (ii) the property owner obtains a hardship waiver pursuant to Chapter 22.38 of the Code or relief under Section 22.38.065 and (iii) there is compliance with all conditions of the waiver, including but not limited to payment of fees. (Ord. 4907, 1995; Ord. 4399, 1986; Ord. 4318, 1985.)

#### **27.08.030 Construction.**

(a) No construction shall commence until the improvement plans have been submitted to the Chief Engineer and have been approved by him.

(b) Construction of improvements which are to be accepted by the City for maintenance shall be subject to inspection by the Chief Engineer.

(c) Any work done by the subdivider prior to approval of the improvement plans, including changes thereto, or without the inspection and testing required by the Chief Engineer is subject to rejection. Such work shall be deemed to have been done at the risk and peril of the subdivider.

(d) Installation of underground facilities. All underground facilities including sewerage and drainage facilities and excepting survey monuments installed in streets, alleys or pedestrian ways shall be constructed prior to the surfacing of such streets, alleys or pedestrian ways. Service connections for all underground utilities and sewers shall be laid to such lengths as will obviate the necessity for disturbing the street, alley or pedestrian way when service connections are completed to properties in the subdivision. (Ord. 3790 §1, 1975.)

#### **27.08.040 Improvement Reimbursement.**

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity or number for the benefit of property not within the subdivision, and that said improvement be dedicated to the public. If such a condition is imposed, provisions shall be made for reimbursement to the subdivider in the manner provided by Article 6, Chapter 4 of the Subdivision Map Act. (Ord. 3790 §1, 1975.)

#### **27.08.050 Maintenance of Improvements.**

All improvements required to be constructed and installed pursuant to this ordinance shall be maintained in a manner satisfactory to the Chief Engineer until all lots in the subdivision have been sold. (Ord. 3790 §1, 1975.)

### **CHAPTER 27.09 FINAL AND PARCEL MAPS**

#### **Sections:**

**27.09.010 General.**

**27.09.020 Preparation of Final and Parcel Maps.**

**27.09.030 Contents.**

**27.09.040 Accompanying Data.**

**27.09.050 Review by Chief Engineer.**

**27.09.060 City Council Action.**

**27.09.070 Agreement to Complete Required Improvements.**

**27.09.080 Transmittal of Map.**

#### **27.09.010 General.**

In accordance with Article 1, Chapter 2 of the Subdivision Map Act, a final map shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums, or a community apartment project containing five (5) or more parcels except under those circumstances listed in Section 66426 of the Subdivision Map Act. Parcel maps are required for all divisions of land not requiring a final map except as exempted by Sections 66412 and 66428 of the Subdivision Map Act. (Ord. 3790 §1, 1975.)

#### **27.09.020 Preparation of Final and Parcel Maps.**

Subsequent to the approval or conditional approval of a tentative map by the Advisory Agency, the subdivider shall cause a final or parcel map and all other maps and plans in connection therewith to be prepared by a registered civil engineer or licensed land surveyor in accordance with a completed survey of the subdivision, in substantial compliance with the approved tentative map, and in full compliance with State law and the Municipal Code. For parcel maps, in lieu of a completed survey of the subdivision, the map may be compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the location of at least one (1) of these boundary lines can be established from an existing monumented line. (Ord. 3790 §1, 1975.)

**27.09.030 Contents.**

The contents and form of final maps shall be governed by Article 2, Chapter 2 of the Subdivision Map Act; of parcel maps by Article 3, Chapter 2 of the Subdivision Map Act. (Ord. 3790 §1, 1975.)

**27.09.040 Accompanying Data.**

(a) The final map and construction plans shall be accompanied by such certifications, test results, reports, and other data required to establish compliance with conditions of approval of the tentative map and all provisions of the Municipal Code and applicable State law.

(b) In addition to the requirements described in the Subdivision Map Act, the final or parcel map shall contain or be accompanied by the following information:

(1) A title sheet. Below the title shall be a subtitle consisting of a general description of all the property being subdivided, by reference to deeds, subdivisions, or sectional surveys. References to tracts and subdivisions shall be identical to the original records, with proper notation as to the book and page of the record. The map shall give the basis of bearing, north point, scale, graphic scale and location of setback lines different from or in addition to those required by the Zoning Ordinance. Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously so marked.

(2) Easements and rights-of-way. The final or parcel map shall show all easements to which the lots are subject. The easements shall be clearly identified and proper reference to the records given. Easements being dedicated shall be so indicated in the certificate of dedication. If the easement is not definitely located of record, a statement as to the easement shall appear on the title sheet.

(3) Accompanying data. The final or parcel map shall be accompanied by:

A. Where applicable, traverse sheets and work sheets showing the closure, within allowable limits of error, of the exterior boundaries and of each block and lot of the subdivision.

B. A final grading plan, where required by the Advisory Agency, including slope protection specifications.

C. A copy of the protective covenants, if any, to be recorded.

D. All fees, bonds or guarantees required by the provisions of the Subdivision Map Act and this ordinance.

E. A letter from each of the various utility companies stating that service is available to the subdivision.

(4) Fees. All fees for map checking, plan checking and inspection shall be established by resolution of the City Council. (Ord. 3790 §1, 1975.)

**27.09.050 Review by Chief Engineer.**

(a) The final or parcel map and accompanying data which satisfy the Subdivision Map Act and the Municipal Code shall be submitted to the Chief Engineer. After issuance of a receipt for the final or parcel map, the Chief Engineer shall examine it as to correctness of surveying data and computations, and such other matters as require checking to insure compliance with the provisions of State law and the Municipal Code. No checking of maps or plans shall be commenced until all required fees have been paid and all required maps, plans, calculations, and other data have been filed with the Public Works Department.

(b) Upon receipt of the final or parcel map and all required data and documents, the Chief Engineer shall, within twenty (20) days, either (1) endorse his approval and transmit one (1) copy to the City Council and one (1) copy to the Division of Land Use Controls, together with such other matters as are required to enable the City Council to consider the map, or (2) return the map to the subdivider, together with a statement setting forth the grounds for its return. (Ord. 3790 §1, 1975.)

**27.09.060 City Council Action.**

(a) The City Council shall, within a period of ten (10) days after its receipt of the final or parcel map for approval or at its next regular meeting after the meeting at which it receives the map, whichever is later, approve the map if it conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder or, if it does not so conform, disapprove the map. The City Council shall not deny approval of a final or parcel map if there is a previously approved tentative map for the proposed subdivision and if it finds that the final or parcel map is in substantial compliance with the previously approved tentative map.

(b) If the City Council does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all said requirements and rulings, it shall be deemed approved, and the Clerk of the City Council shall certify its approval thereon. (Ord. 3790 §1, 1975.)

**27.09.070 Agreement to Complete Required Improvements.**

If, at the time of approval of the final or parcel map by the City Council, any public improvements required by the City pursuant to the provisions of the Subdivision Map Act or the Municipal Code have not been completed and accepted in accordance with standards established by the City and applicable at the time of approval or conditional approval of the tentative map, the City Council, as a condition precedent to the approval of the final or parcel map, shall require the subdivider to enter into one (1) of the following agreements:

(a) An agreement with the City upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense.

(b) An agreement with the City to thereafter (1) initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of all such improvements, or (2) if not completed under such special assessment act, to complete such improvements at the subdivider's expense.

Performance of such agreements described herein shall be guaranteed by a security specified in Chapter 5 of the Subdivision Map Act and Section 27.11.030 of this ordinance. (Ord. 3790 §1, 1975.)

**27.09.080 Transmittal of Map.**

Subsequent to the approval of the final or parcel map by the City Council and the execution of required agreements, the City Clerk shall transmit the map to the Clerk of the County Board of Supervisors in accordance with Article 6, Chapter 3 of the Subdivision Map Act. (Ord. 3790 §1, 1975.)

**CHAPTER 27.10  
MONUMENTS**

**Sections:**

**27.10.010 General.**

**27.10.020 Boundary Monuments.**

**27.10.030 Interior Monuments.**

**27.10.040 Deferred Monuments.**

**27.10.050 Monument Type and Positioning.**

**27.10.060 Replacement of Destroyed Monuments.**

**27.10.070 Survey Data and Information to be Shown on Final or Parcel Map.**

**27.10.080 Survey Control Network.**

**27.10.010 General.**

(a) The provisions in this chapter shall govern the monumentation required for final and parcel maps.

(b) In making the survey of a subdivision for a final or parcel map, the engineer or surveyor shall set sufficient permanent monuments so that the survey, or any part thereof, may be readily retraced. The survey shall include measured connections (ties) into the City's Survey Control Network approved by the City

Engineer, in accord with the provisions of Section 27.10.080 of this Code. (Ord. 5120, 1999; Ord. 3790 §1, 1975.)

**27.10.020 Boundary Monuments.**

(a) Monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately one thousand feet (1,000') apart. The locations of inaccessible points may be established by ties and shall be so noted on the final map or parcel map.

(b) All exterior boundary monuments shall be set prior to recordation of the final or parcel map unless extensive grading operations or improvement work makes it impractical to set such monuments. In the event any or all of the boundary monuments are to be set after recordation of the final map or parcel map, prior to the submission of such map to the Chief Engineer for filing, the engineer or surveyor making the survey shall, in addition to furnishing field notes showing the boundary survey, furnish evidence acceptable to the Chief Engineer to substantiate his reasons for deferring the setting of such monuments until after recordation of such map. (Ord. 3790 §1, 1975.)

**27.10.030 Interior Monuments.**

Monuments shall be set at all block and lot corners and angle points and at the beginnings and ends of curves, and along street and alley centerlines at the beginnings and ends of curves, at points of intersection with centerlines of other existing and proposed streets and alleys, and at the points of intersection with the exterior boundary lines. Interior property line and centerline monuments and ties may be set after the final map or parcel map is recorded. (Ord. 3790 §1, 1975.)

**27.10.040 Deferred Monuments.**

(a) In the event any or all of the required monuments are to be set after recordation of the final map or parcel map, the engineer's or surveyor's certificate shall specify the date, established by the Chief Engineer, by which the monuments will be set and the field notes thereon furnished, and the subdivider shall, prior to the submission of such map to the Chief Engineer for filing, furnish to the Chief Engineer a security as required by Section 27.11.020. In lieu thereof, provision for the setting of said monuments may be included in the agreement prepared in accordance with Section 66462 of the Subdivision Map Act.

(b) In the event the deferred monuments are not set within the period of time specified on the engineer's or surveyor's certificate, or within any approved extended period of time, and provided that all improvement work has been completed, the Chief Engineer shall by written notice forthwith direct the engineer or surveyor of record to within sixty (60) days of the date of such directive set such monuments and furnish such field notes as were agreed to be set and furnished on said certificate. If the engineer or surveyor fails to comply with said directive within the specified time, and if no request for an extension of time has been submitted in writing and granted within such time, the Chief Engineer shall without further notice submit a written complaint and request for disciplinary action against said engineer or surveyor to the State Board of Registration for Civil and Professional Engineers. (Ord. 3790 §1, 1975.)

**27.10.050 Monument Type and Positioning.**

All monuments set as required herein shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey was made. (Ord. 3790 §1, 1975.)

**27.10.060 Replacement of Destroyed Monuments.**

Any monument set as required herein which is disturbed or destroyed before acceptance of all improvements by the City shall be replaced by the subdivider's engineer or surveyor. (Ord. 3790 §1, 1975.)

#### **27.10.070 Survey Data and Information to be Shown on Final or Parcel Map.**

The following survey data and information shall be shown on each final or parcel map for which a field survey was made pursuant to the provisions of these regulations:

- (a) Stakes, monuments (together with their precise position) or other evidence found on the ground to determine the boundaries of the subdivision.
- (b) Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and page of record or by section, township and range or other proper designation.
- (c) All information and data necessary to locate and retrace any point or line without unreasonable difficulty.
- (d) The location and description of any required monuments to be set after recordation of the final map, and the statement that they are "to be set".
- (e) Bearing and length of each lot line, block line and boundary line and each required bearing and distance.
- (f) The centerlines of any street or alley in or adjoining the subdivision which have been established by the Chief Engineer together with reference to a field book or map showing such centerline and the monuments which determine its position. If determined by ties, that fact shall be stated.
- (g) Such other survey data or information as may be required to be shown by the Chief Engineer or by the provisions of this section. (Ord. 3790 §1, 1975.)

#### **27.10.080 Survey Control Network.**

The following standards shall apply to each final map and each parcel map for which a field survey is made pursuant to these regulations:

- (a) The engineer or surveyor shall be required to tie the boundary of a final map or parcel map into the City of Santa Barbara 1995 Survey Control Network, filed with the Santa Barbara County Surveyor and recorded in the office of the Santa Barbara County Recorder in Book 147, Pages 70, 71, 72, 73 and 74, or other Survey Control Network approved by the City Engineer and recorded in the office of the Santa Barbara County Recorder. The map shall include measured connections (ties) to no less than two recorded locations, on opposite sides of the boundary, or as otherwise approved by the City Engineer.
- (b) The provisions of this section are satisfied if the boundary of the parcel map or final map being submitted is a parcel or lot of a map which is already tied, in accord with professional surveying practice, to the City of Santa Barbara 1995 Survey Control Network or Survey Control Network approved by the City Engineer and recorded with the office of the Santa Barbara County Recorder. (Ord. 5120, 1999.)

### **CHAPTER 27.11 SECURITIES TO SECURE SUBDIVIDER'S PERFORMANCE**

#### **Sections:**

#### **27.11.010 Improvement Security.**

#### **27.11.030 Types of Security.**

#### **27.11.020 Monument Security.**

#### **27.11.010 Improvement Security.**

- (a) As a guarantee to secure faithful performance of any agreement with City to construct or install required improvements after the approval of the final or parcel map, subdivider shall furnish to City prior to the approval of the final or parcel map one (1) of the types of securities described in §27.11.030, as approved by City, in an amount equal to one hundred percent (100%) of the total estimated costs of the improvements.

(b) As a guarantee securing payment to the contractor, its subcontractors or persons furnishing the labor, materials, equipment or services required to install and construct said improvements, the subdivider shall furnish one (1) of the securities described in §27.11.030, as approved by City, in an amount equal to not less than fifty percent (50%) of the total estimated costs of said improvements.

(c) The subdivider may request a partial release of the improvement security to guarantee faithful performance of the agreement based upon its partial completion of the improvements. The subdivider is allowed to request three partial releases. No single partial release shall be for less than twenty-five percent (25%) of the total estimated cost of the improvements nor shall the aggregate of such partial releases exceed seventy-five percent (75%) of the total estimated cost of the improvements. The determination of the amount of the improvement security to be partially released shall be made by the City Engineer, his determination shall be final and conclusive and any such release shall not reduce the obligations of the subdivider to the City under the agreement. (Ord. 4017, 1979; Ord. 3790 §1, 1975.)

#### **27.11.020 Monument Security.**

As a guarantee of good faith to furnish and install the required survey monuments and to pay the subdivider's engineer or surveyor for said work, the subdivider shall furnish one (1) of the securities described in §27.11.030 or combination thereof, as approved by City, in an amount equal to one hundred percent (100%) of the estimated cost of such work. Such work shall consist of satisfactorily furnishing and installing the said survey monuments and of accurately fixing exact survey points thereon. (Ord. 3790 §1, 1975.)

#### **27.11.030 Types of Security.**

Whenever this chapter or any provision of this ordinance or the Subdivision Map Act authorizes or secures the furnishing of security in connection with the performance of any act or agreement, such security shall be one (1) of the following at the option of and subject to the approval of the City:

(a) Bond or bonds by one (1) or more duly authorized corporate sureties. Said bond or bonds shall be in substantially the same form as provided in §66499.1 and §66499.2 of the Subdivision Map Act.

(b) A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

(c) An instrument of credit from one (1) or more financial institutions subject to regulating by the State or Federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment. (Ord. 3790 §1, 1975.)

## **CHAPTER 27.12 REVERSIONS TO ACREAGE**

### **Sections:**

#### **27.12.010 Authority.**

#### **27.12.030 Reversion of Contiguous Parcels Under the Same Ownership**

#### **27.12.020 Initiation.**

#### **27.12.010 Authority.**

Subdivided land may be reverted to acreage pursuant to the provisions of Article 1, Chapter 6 of the Subdivision Map Act. (Ord. 3790 §1, 1975.)

#### **27.12.020 Initiation.**

Proceedings for reversion to acreage may be initiated by the City Council on its own motion or by petition of all the owners of record of the real property within the subdivision. (Ord. 3790 §1, 1975.)

**27.12.030 Reversion of Contiguous Parcels Under the Same Ownership.**

A. **PARCEL MAP, WAIVER OF TENTATIVE MAP PROCEDURE.** Four (4) or less contiguous parcels under the same ownership may be reverted to acreage by the submission of a parcel map to the City Council for approval. Any map so submitted shall be accompanied by evidence of title and non-use or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. Any tentative map procedures or requirements for a parcel map used solely to complete a reversion to acreage are waived automatically upon approval of the reversion by the City Council unless the City Council expressly conditions the reversion upon compliance with all or a part of those procedures and requirements.

B. **RECORDATION OF PARCEL MAP.** After approval of the reversion by the City Council, the map shall be delivered to the County Recorder. The recording of the map shall constitute legal reversion to acreage of the land affected thereby, and shall constitute abandonment of all streets and easements not shown on the map. The recording of the map shall also constitute a merger of the separate parcels into one (1) parcel for the purposes of this Title and the Subdivision Map Act. (Ord. 4412, 1986; Ord. 3790 §1, 1975.)

**CHAPTER 27.13  
RESIDENTIAL CONDOMINIUM DEVELOPMENT**

**Sections:**

**27.13.010 Scope.**

**27.13.020 Definition - Residential  
Condominium.**

**27.13.030 Purpose and Intent.**

**27.13.040 Where Permitted.**

**27.13.050 Requirements.**

**27.13.060 Physical Standards for  
Condominiums.**

**27.13.070 Application.**

**27.13.080 Findings.**

**27.13.010 Scope.**

This Chapter shall apply to residential condominiums, community apartments and stock cooperatives. (Ord. 4058, 1980.)

**27.13.020 Definition - Residential Condominium.**

For the purposes of this Chapter, condominium shall include any residential condominium, community apartment or stock cooperative. (Ord. 4058, 1980.)

**27.13.030 Purpose and Intent.**

The City Council finds and determines that residential condominiums differ from apartments in numerous respects and, for the benefit of public health, safety and welfare, such projects, which are subject to the subdivision regulations of the State of California, should be treated differently from apartments. The City Council, therefore, declares its express intent to treat such projects differently from apartment and like structures and to adopt development standards for the protection of the community and the purchasers of condominiums to:

(a) insure that condominium developments achieve a high quality appearance and safety, and are consistent with the goals of the City's General Plan and conform with the density requirements of the General Plan's Land Use Element; and

(b) attempt to provide a reasonable variety of choice for type and location of housing in Santa Barbara; and

(c) establish criteria for development of condominiums. (Ord. 4058, 1980.)

#### **27.13.040 Where Permitted.**

Condominium projects may be permitted in the single family residential zones subject to the issuance of a Conditional Use Permit as set forth in Chapter 28.36 of this Code. Condominium projects may be permitted in the R-2, R-3 and R-4 zones subject to the requirements and standards set forth in this Chapter. In addition, condominium projects may be permitted in all other zones where appropriate and generally permitted except in the C-X and M-1 zones. (Ord. 4058, 1980.)

#### **27.13.050 Requirements.**

No condominium project or portion thereof shall be approved in whole or in part, unless it complies with all requirements of Title 27 of this Code and has been reviewed and approved by the Advisory Agency. Prior to approval and recordation of the final map, the required conditions, covenants and restrictions shall be submitted to, be reviewed by and approved by the City Attorney. These conditions, covenants and restrictions shall contain the following:

- (a) allocation of parking spaces within the project;
- (b) restrictions regarding the storage of recreation vehicles;
- (c) provision for the Homeowners Association to maintain all open spaces and/or common areas within the project;
- (d) waiver to protest formation of public improvement districts. (Ord. 4058, 1980.)

#### **27.13.060 Physical Standards for Condominiums.**

In addition to the requirements of the zone in which a project is located, the following standards shall be required for all condominium projects:

1. **Parking.** The off-street parking requirements for a condominium development shall be in accordance with Chapter 28.90.100 of this Code.
2. **Private Storage Space.** Each unit shall have at least 300 cubic feet of enclosed, weatherproofed and lockable private storage space provided in one location in addition to the guest, linen, pantry, and clothes closets that are customarily provided. This requirement may be waived for a unit if an enclosed garage is provided for that unit.
3. **Utility Metering.**
  - (a) The consumption of gas and electricity within each unit shall be separately metered so that the unit's owner can be separately billed for each utility.
  - (b) A water shut-off valve shall be provided for each unit or for each plumbing fixture.
  - (c) Each unit having individual meter(s) or heater(s) shall have access to its meter(s) and heater(s) which shall not require entry through another unit.
  - (d) Each unit shall have its own panel, or access thereto, for all electrical circuits which serve the unit.
  - (e) An exception may be granted to the above restrictions when heat or power is provided by means of solar energy.
4. **Laundry Facilities.** A laundry shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and one dryer for each five (5) units or a fraction thereof.
5. **Public Improvement Districts.** The applicant shall waive the right, through deed restriction, to protest the formation of public improvement districts as deemed appropriate by the Advisory Agency.
6. **Density.** The maximum number of dwellings may not exceed the number allowed by Section 28.15.080 (including slope density requirements where applicable) and the zone in which the project is located.

7. Unit Size. The enclosed living or habitable area of each unit shall be not less than 400 square feet.

8. Outdoor Living Space. Outdoor living space shall be provided as set forth in Section 28.21.081 of this Code pertaining to outdoor living space.

9. Storage of Recreational Vehicles. The provision for storage space of recreational vehicles shall be determined by the Advisory Agency at the time of the approval of the tentative map. (Ord. 4912, 1995; Ord. 4085, 1980; Ord. 4058, 1980.)

#### **27.13.070 Application.**

The Department of Community Development shall prepare a listing of required information that must be contained in applications for a condominium development as the Department deems necessary to comply with the intent of this Chapter and other parts of this Code. This listing of required information that must be contained in applications for condominium developments, shall be made available to architects, developers, engineers, property owners and other interested individuals. No application for development need be processed until the required information is submitted. (Ord. 4058, 1980.)

#### **27.13.080 Findings.**

The Planning Commission shall review each condominium development as to its effect upon sound community planning, the ecological, cultural, and aesthetic qualities of the community, on the community's public health, safety, and welfare. The Planning Commission shall not approve a condominium development unless it finds that:

(a) There is compliance with all provisions of this Chapter; and

(b) The proposed development is consistent with the General Plan of the City of Santa Barbara; and

(c) The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources. (Ord. 4498, 1988; Ord. 4058, 1980.)